

NON-CITIZENS IN ARS FACILITIES

Policy Update: May 10, 2004.

This update is to clarify the policy for non-citizens in ARS facilities.

Non-Citizen. Anyone who is not a U.S. citizen. A green-card holder or other type of legal permanent resident is treated as if he/she were a U.S. Citizen for the purpose of these policies.

There are two broad groups of non-citizens:

- a. **Visitors.** Non-citizens having short-term (generally days or at the most two weeks) access to ARS facilities for tours, workshops/meetings, training, etc. They must have a valid visa or permanent resident status.
- b. **Workers.** Non-citizens include visiting scientists, students, contractors, collaborators/consultants, maintenance personnel, etc., who will actually be working in the facility.

Ban on Entry. Citizens from countries that are on the Department of State's (DOS) list of State Sponsors of terrorism are not permitted in ARS facilities, even as visitors. At present these countries are Cuba, Iran, Iraq, Libya, North Korea, Sudan, or Syria (*). The exception is visits that are sponsored by a Federal Government Agency such as DOS. In such instances, approval MUST be obtained from ARS Homeland Security (ARSHS) prior to the visit. Prior approval MUST be obtained for all non-citizen visitors to BSL-3 or Select Agent facilities.

Tracking of Visitors. Previous policies as described in the January 10, 2003 memo from Edward B. Knipling, and attachments, remain in effect, including the requirement for a Visitor's Log at all ARS facilities. All visitors should be escorted.

Tracking of Workers. An ARS-230 must be filled out for all workers and submitted through the Area Office to ARSHS as soon as possible, but definitely before the arrival of the non-citizen worker.

Name Trace Request. ARSHS is responsible for submitting and obtaining a Name Trace Request (NTR) from BOTH the FBI and CIA based on the information in the ARS-230. Requirement for a completed NTR depends on the type of visa that the non-citizen is getting.

- a. USDA sponsored visa or employment requires that a negative response (no record found) be obtained from both agencies before the visa process can be initiated. This requirement may be modified for non-citizens who have resided in the U.S. for 4 years or more, provided the ARS-230 has been submitted (contact ARSHS for additional information).

(*) NOTE: PLEASE REFER TO <http://arsnet.usda.gov/OHS/noncitizen/index.htm>

At the present time, a valid visa sponsored by another organization, such as a university, company, foundation, etc., does not require a negative response to the NTR before the person may work in an ARS facility, but the NTR must still be run. This may change if the NTR process becomes more rapid. HOWEVER, reasonable precautions should be taken to ensure that the non-citizen has only limited access to critical ARS assets until the NTR is finished.

- b. The identification of derogatory information on a non-citizen by the FBI or CIA will be grounds for their immediate removal from the ARS facility.

Access to Select Agent or Other High Security Facilities. All persons without a suitable Public Trust background investigation or a National Security Clearance, whether citizens or non-citizens, will not be allowed unescorted access to Select Agents, or the Exclusion Areas of high security facilities (such as the vaults of major gene banks).

Amendments to the memo dated May 10, 2004 from Michael Ruff.

Non-Citizen

- a. **Visitors:** Non-citizens having a short-term (generally days, **or at the most five days**) access to ARS facilities for tours, workshops/meeting/training, etc. They must have a valid visa or permanent resident status.

Ban on Entry

Currently, only Cuba, Iran, Sudan and Syria are the countries on the Department of State's list of State Sponsors of Terrorism. They are not permitted in ARS facilities. Not even as visitors. Visit <http://www.state.gov/s/ct/c14151.htm> to keep up-to-date on this list of countries.